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10/089,219	07/08/2002	Leila Aarnio	1497-112	2606

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/21/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/089,219

Applicant(s)  
Leila Aarnio

Examiner  
Melur. Ramakrishnaiah

Art Unit  
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Nov 4, 2003

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-14 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-14 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6) ☐ Other:

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*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 9, 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ijungqvist et al. (WO 98/52340, hereinafter Ijungqvist ) in view of Mannings (US PAT: 6,324,266).

Regarding claims 1, 13, and 14, Ijungqvist discloses a method for making a questionnaire based survey in a cellular system (note: this implied by the teaching that subscriber can communicate with the telecommunication network by telephones or mobile telephones , page 3 lines 27-33) including a central device and a number of independent communication terminals, where data transmission connection can be made between the terminal devices and the central device, characterized in that method includes the steps, where the central device (150, fig. 1) receives an inquiry message and/or table from the terminal device (such as 101/103, fig. 1) of the researcher the message defining target survey group of the inquiry message (page 15 lines 1-14), the central device (150, fig. 1) investigates which predetermined terminal devices group (110-117, fig. 1) and/or inquiry table on the central device is the target of the received inquiry message

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(page 12 lines 25-32), the central device transmits a notice of newly received message or part of a received inquiry message and/or questionnaire to the terminal devices (110-117, fig. 1) that belong to the target group of the received inquiry message, the central office device (150) receives questionnaire request from at least part of such terminal devices that received the message but did not receive the questionnaire and transmits the questionnaire information to those terminal devices that requested it (page 19 lines 6-15), the central office device receives answer message corresponding to questionnaire from at least part of the terminal devices that received the questionnaire, and transmits at least part of the contents of the received answer messages to the terminal device of the researcher (page 17 lines 8-26).

Liungqvist differs from claims 1, 13, and 14 in that although he teaches use of mobile telephone (104, fig. 1) in connection with opinion poll or market survey (page 3 lines 27-33), he does not explicitly teach using data transmission packets in connection with survey.

However, Mannings discloses information gathering system which teaches use of DECT telephones (1, fig. 1) and radio base station (7, fig. 1) and wireless Private Branch Exchange, user interacting with the system in connection with audience survey by using wireless telephones which implicitly teaches data transmission packets between the user of the DECT telephone 1 and radio base station (col. 6 lines 5-14, lines 29-35, col. 3 lines 10-20, col. 6 lines 44-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Liungqvist's system to provide for the following: use of data transmission

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packets in connection with survey as this is well known means of interacting with the cellular system as is well known in the art.

Regarding claims 2-5, 7, 9, Ijungqvist further teaches the following: central device (150, fig. 1) forms a terminal device group by picking, from the definition message received by the terminal device of a researcher, information of the terminal devices that form the terminal device survey group, the central device forms a device terminal device group by picking from the message received by the terminal device of a researcher, information of the terminal device and knowledge as to which terminal device group or groups the terminal device in question belongs (page 4 lines 1-14, page 12 lines 25-34, page 13 lines 1-8, page 14 lines 8-14), terminal device forms a terminal device group by picking, from the message received from the terminal device joining in the survey group, information of the joining terminal device and of the survey group or groups that the terminal device is joining (page 17 lines 8-26), central device defines on the basis of the inquiry message, a survey group that the inquiry message relates to by identifying from the message a reference to a terminal device group stored in the central office (page 12 lines 25-34, page 13 lines 1-15), questionnaire is formed individually for each terminal device on the basis of questions and the connected answer alternatives, the answer alternatives being formed on the basis of the terminal device location information from among a group of predetermined alternatives (page 12 lines 25-34, page 13 lines 1-15, page 19 lines 18-27), employed terminal device location information is the real geographical location of the terminal device (page 12 lines 33-34, page 13 lines 1-4).

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3. Claims 6, 8, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ijungqvist in view of Mannings as applied to claim 1 above, and further in view of Puhl et al. (US PAT: 6,223, 291 B1, filed 3-26-1999, hereinafter Puhl).

Regarding claims 6, 8, 11, the combination does not teach the following: central device transmits notice of new inquiry message to the terminal device belonging to the terminal device group as an SMS message through the terminal devices, terminal device location information is the SIM card subscriber information or the register information of the terminal device in the survey group, questionnaire is transmitted to the terminal devices by using the WAP.

However, Puhl discloses secure wireless electronic commerce system which teaches use of SMS and WAP and SIM card in connection with communications (col. 11 lines 66-67, col. 12 lines 1-10, and see Glossary of abbreviations in col. 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: central device transmits notice of new inquiry message to the terminal device belonging to the terminal device group as an SMS message through the terminal devices, terminal device location information is the SIM card subscriber information or the register information of the terminal device in the survey group, questionnaire is transmitted to the terminal devices by using the WAP as this are well known procedures to use in connection with mobile telecommunications as taught by Puhl, thus enhancing the operation capability of the combination system in view of his reference to

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communication devices can be telephones or mobile telephones (page 3 lines 27-33 of Ijungqvist ).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ijungqvist in view of Mannings as applied to claim 1 above, and further in view of Giniger et al. (WO 98/08314, hereinafter Giniger).

Regarding claim 10, the combination does not teach the following: real location of the terminal device is determined by means of GPS satellite and/or the location system of the cellular radio system itself.

However, Giniger discloses method and apparatus for providing position related information to the mobile recipients which teaches the following: real location of the terminal device is determined by means of GPS satellite and/or the location system of the cellular radio system itself (fig. 1 page 15 line 31-36, page 16 lines 1-13).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: real location of the terminal device is determined by means of GPS satellite and/or the location system of the cellular radio system itself as this arrangement is well known method of locating the position of the mobile unit in order to send the appropriate information to the mobile unit as taught by real location of the terminal device is determined by means of GPS satellite and/or the location system of the cellular radio system itself, thus enhancing the operation capability of the Ijungqvist's system in view of

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his reference to communication devices can be telephones or mobile telephones (page 3 lines 27-33).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ijungqvist in view of Mannings as applied to claim 1 above, and further in view of O'Brien, Jr. (US PAT: 4,689,619, hereinafter O'Brien).

Regarding claim 12, the combination does not teach the following: at least part of the terminal devices belonging to the terminal device group are located in connection with signal converters designed for receiving programs that are broadcast in a cable or satellite network.

However, O'Brien discloses method and apparatus for polling subscriber terminals which teaches the following: at least part of the terminal devices belonging to the terminal device group are located in connection with signal converters designed for receiving programs that are broadcast in a cable or satellite network (fig. 1, col. 3 lines 29-61).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: at least part of the terminal devices belonging to the terminal device group are located in connection with signal converters designed for receiving programs that are broadcast in a cable or satellite network as this arrangement would facilitate conducting opinion surveys using various communication means as taught by O'Brien.



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*Response to Arguments*

6. Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**9. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

  
Melur. Ramakrishnaiah

PRIMARY EXAMINER

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